IN RE: PETITION FOR ADMIN. VARIANCE N/S Northwood Drive, 317' W of the c/l of Reuter Drive (114 Northwood Drive)

\* ZONING COMMISSIONER 8th Election District \* OF BALTIMORE COUNTY 4th Councilmanic District \* Case No. 94-146-A

Maurice M. Boylan, Sr., et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Maurice M. and Lois M. Boylan. The Petitioners seek relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 inches in lieu of the minimum required 7.5 feet for an open projection (carport) as more particularly described on Fetitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of November, 1993 that the Petition for Administrative Variance seeking relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 inches in lieu of the minimum required 7.5 feet for an open projection (carport), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

EXAMPLE 3 - Zoning Description - 3 copies

- 2-

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 114 Morthwood Dr. Timon Mod
(address) 2106 Election District 👩 🖇 Northwood Dn which is 30 feet 2 inches (number of feet of right-of way width) wide at a distance of 3/7.3'

(number of feet of right of feet of right of feet of right)

(number of feet) (north, south, east or west)

(number of feet of right-of-way width) wide. \*Being Lot # OOQ ...

50×173' 0.198 acres

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio \_\_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15'

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. & Mrs. Maurice M. Boylan, Sr. 114 Northwood Drive Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE N/S Northwood Drive, 317' W of the c/l of Reuter Drive (114 Northwood Drive) 8th Election District - 4th Councilmanic District Maurice M. Boylan, Sr., et ux - Petitioners Case No. 94-146-A

Dear Mr. & Mrs. Boylan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

cc: People's Counsel

Zoning Commissioner for Baltimore County

> **Baltimore County Government** Office of Zoning Administration and Development Management

Petition for Administrative Variance

for the property located at 1/4 northwood D'I Tumon md

The undereigned, legal owner(s) of the property equals in Baltimore County and which is described in the description and plat effected

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, (indicate hardening or practical difficulty) fot is 50 wide previous is not to

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this pettion, and further agree to and are to

had the subject matter of this petition be set for a public hearing, advertised, as required by the Laving Regulations of Rathmare County, in two terminates of general

be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zirong Law for Baltimore County.

neighbor's property lene (1,1) I have is not enough footone to comply with the zonum low Our Ineighbor (112) dale not object to use building a Carport night to his property line. Property is to be posted and adventised as prescribed by Zoning Regulations

Section 301.1.A To permit a 4° sideward setback in lieu of the required 7.5' for

This Patition shall be filed with the Office of Zoning Administration & Development Management

hereto and made a part hereof, hereby petition for a Variance from Section(s)

ion. Rivoughout Battimare County, and that the property be reported.

an open projection (carport).

which is presently sensed DR 5 5

Who is expensely because and affirm under the penalties of particly. That can are the large converse of the property which is the business of the history.

LOIS M BOYLAN

Timorium md 21013

TEM # 142

111 West Chesapeake Avenue Towson, MD 21204

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

Potitioner: Maurice SR & Law Boulan Tocation: 114 Northwood Un Timon Md 1:013

PLEASE FORMARD ADVERTISING BILL TO: MANE: Maurice M Boylan SR. ADDRESS: 114 Morthwood Dreux

Timonum, Md. 21093 PHONE NUMBER: 410-252-3082

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 114 Northwood Druve

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Blg. Car part = fot is 50 feet wide. Dreveway is nept to neighbor's property line (112) Thereis not enough fortage to comply with the zoning law. not practical to locate corport at rear of house because of expense of removing trees & extension of driveway Broining could also pose a problem, because our lot slopes in the rear.

Maurice M. Boylan St. : Lois M. Boylan the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

7/20/94

centerline of the nearest improved intersecting street Rutter Rd

\_\_\_\_\_, Section #\_\_\_\_\_O \_\_\_\_ in the subdivision of

\_\_\_\_\_, Folio # 046

22" W. 80 ft. to the place of beginning.

Location of Signe Folling Leed may on properly being them to

Petitioner: Mauries & loi Goy lay

CERTIFICATE OF POSTING

Location of property: 114 Northwest Pny, N/S 317 From Route Prise

ZONING DEPARTMENT OF BALTIMORE COUNTY 94-16-4

m 9/24/91

(Revised 04/09/93)



(410) 887-3353

October 22, 1993

Mr. and Mrs. Maurice M. Boylan, Sr. 114 Northwood Drive

Timonium, Maryland 21093 RE: Case No. 94-146-A, Item No. 142 Petitioner: Maurice M. Boylan, Sr., et ux

Petition for Administrative Variance

Dear Mr. and Mrs. Boylan:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 28, 1993, and a hearing was scheduled accordingly.

The following comments are related <u>only to the filing of future</u> zoning petitions and are aimed at expediting the petition filing process with this office.

> Baltimore County Government Office of Zoning Administration and Development Management

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case

number. Contact made with this office regarding the status of this case should reference the case number and

1) Your property will be posted on or before October 17, 1993. The closing date (November 1, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County

3) Please be advised that you must return the sign and post to this office. They may be returned after the

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS

ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-P. WHEN READY, THE ORDER

be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

notification as to whether or not your petition has been granted, denied, or will go to public hearing.

newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

closing date. Failure to return the sign and post will result in a \$60.00 charge.

WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL,

(410) 887-3353

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

10-8-93

Re: BALTIMORE COULTY Item No.: \* 142 (JEF)

111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

Ms. Charlotte Minton

Zoning Administration and

Development Management

County Office Building

Room 109

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief **Engineering Access Permits** 

BS/

My telephone number is \_\_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Dept 23, 1993

94-146-A

To Whom it may concern, We the undersigned, who are Mrand Mrs. M. Boylan Sr. neighbors, do not object to them building a corport attached to their house.

Hollyhankader

116 Northwood Dr. Timonium Mid 21093 116 Houtwood Aline 117 Northwood Pro Timonina Md 21093 115 Northwood Drive

Timonum, MD 21093

BALT ORE COUNTY, MAR LAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: October 14, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 142, 143, 146, 150 and 151.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

ZAC.142/PZONE/ZAC1

Pg. 1

Baltimore County Government Department of Permits and Licenses

(4)0; 887 %; pr

111 West Chesapeake Avenue OCTOBER 18, 1493 Towson, MD 21204

Arnold Jablon Zoning Administration and Development Management Paltimore County Office Euiloing Towson, ML 21204

ZONING AGENDA: MEETING OF COTOPER 12, 1993

Property Cwner: Maurice M. Boylan, fr. and Lols M. Foylan Location: #114 Northwood brive Item No.: \*142 (JPF)

George F. Sabol, 17 & Lonna L. Calol #18007 Marshall Mill Foad #143 (PT)

George J. Winner and Susan M. Winner #9405 Oak White Road #144 (JCM)

Faul W. Rogers and Fonnie J. Propre #1653 Frenchs Avenue #145 (JPA)

Cedarside Farm Joint Venture #4 Symphony Woods Court 146 (RT)

Cedarside Farm Joint Venture #2 Trumpet Court 147 (RT)

Howard B. Miller & Linda C. Miller SW/S Greenspring Avenue Between Broadway and Felley Avenuer +148 (WCP)

Peter P. Colaboski and Anna H. Colaboski #9121 Cuckeld Foint Pead 149 (PT)

Herkert P. Bush and Esther F. Bush #4 Opic Road 150 (JLL)

Herbert R. Bush and Esther E. Push #6 Opie Road 151 (JLL)

Henry C. Stull and Helen A. Stull
Provided from Stylen file
On Recycled Paper

September 20, 1993

To Whom It May Concern:

We the undersigned, who are Mr. and Mrs. M. Boylan Sr. neighbors, do not object to them building a carport next

Timonium, MD 21093 (410) 561-0353

to our property line.

112 Northwood Drive Timonium, MD 21093 (410) 561-0353

111 West Chesapeake Avenue

Maurice M. Boylan, Sr. and Lois M. Boylan

8th Election District - 4th Councilmanic

CASE NUMBER: 94-146-A (Item 142)

114 Northwood Drive Timonium, Maryland 21093

Towson, MD 21204

Printed with Soyboan Ink on Recycled Paper







